



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 10492-02  
17 September 2003

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that the characterization of his service be changed.

2. The Board, consisting of Mr. Beckett, Ms. McCormick, and Mr. Pauling, reviewed Petitioner's allegations of error and injustice on 16 September 2003 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps on 9 October 1981 for four years at age 19 and served for more than three years without disciplinary incident. However, he was counselled on two occasions regarding inappropriate behavior by his wife, and conduct prejudicial to good order and discipline in that he was involved with another Marine's wife.

d. On 15 February and 26 July 1985 Petitioner received nonjudicial punishment (NJP) for two periods of absence from his

appointed place of duty. Suspended punishment from the first NJP was vacated on 15 March 1985 due to further misconduct.

e. On 3 and 31 July 1985 Petitioner was referred for medical evaluations as a result of alcohol abuse and depression. He was subsequently diagnosed with an adjustment disorder with a depressed mood, alcohol abuse, and depression. Subsequently, Petitioner participated in a Level II substance abuse program.

f. At the expiration of his enlistment on 8 October 1985, Petitioner was released from active duty under honorable conditions and transferred to the Marine Corps Reserve. At the time of his release, Petitioner's conduct and proficiency averages of 4.1 were higher than the averages required for a fully honorable characterization of service. Although the record does not specifically reflect such action, Petitioner should have received a general discharge from the Marine Corps Reserve upon completion of his military obligation.

g. Applicable regulations state that an individual separated at the expiration of enlistment or upon completion of the military obligation will receive a fully honorable characterization of service unless a characterization of under honorable conditions is warranted based on the conduct and proficiency averages.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

The Board notes the nature of Petitioner's misconduct and does not condone his infractions. However, the Board's finding is based on his satisfactory service for more than three years and the fact that he completed his enlistment. The Board also notes that Petitioner's conduct and proficiency averages were higher than those required for a fully honorable characterization of service. Accordingly, his service should have been so characterized, and the Board concludes that recharacterization to a fully honorable discharge is now appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 8 October 1985 he was honorably released from active duty, vice being released under honorable conditions on the same day.

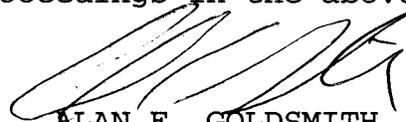
b. That the record be further corrected to show that upon completion of his military obligation, Petitioner received an honorable discharge from the Marine Corps Reserve.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

d. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 12 December 2002.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director